



**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

Southern and Southwestern Divisions
United States Courthouse
222 North John Q. Hammons Parkway
Suite 1400
Springfield, Missouri 65806
(417) 865-3869

Transfer of ☐ Criminal Case or ☒ Magistrate Case

WDMO Case No.: 23-mj-2011DPR

Case Title: USA v. Brian Allen Rogers

Dear Sir/Madam:

Pursuant to ☒ F.R.Cr.P. 5 ☐ F.R.Cr.P. 32

- ☒ Attached are all public documents and the docket sheet.
- ☐ Certified copy of documents filed prior to November 1, 2004 and docket sheet.
- ☐ Not for public view document(s).
- ☐ Other

Pursuant to F.R.Cr.P. 20

- ☐ Attached are all public documents and the docket sheet.
- ☐ Certified copy of documents filed prior to November 1, 2004 and docket sheet.
- ☐ Not for public view document(s).
- ☐ Other

Pursuant to 18 U.S.C. § 3605 Transfer of Jurisdiction ☐ Supervised Release ☐ Probation

- ☐ Attached are the last charging document, the judgment and commitment, revocation orders (if any), and the docket sheet.
- ☐ Certified copy of documents filed prior to November 1, 2004 and docket sheet.
- ☐ Not for public view document(s).
- ☐ Other

Sincerely,

Paige Wymore-Wynn, Clerk of Court

By s/ Karla Berziel
Deputy Clerk

TO BE COMPLETED BY RECEIVING DISTRICT

Please acknowledge receipt via e-mail to Karla_Berziel@mow.uscourts.gov

Clerk, U.S. District Court

Date: _____

By _____
Deputy Clerk

CLOSED

U.S. District Court
Western District of Missouri (Springfield)
CRIMINAL DOCKET FOR CASE #: 6:23-mj-02011-DPR All Defendants

Case title: USA v. Rogers

Date Filed: 02/08/2023

Assigned to: Magistrate Judge
David P. Rush

Defendant (1)

Brian Allen Rogers

represented by **Brian David Risley**
Federal Public Defender's Office – Springfield
901 St. Louis Street
Suite 801
Springfield, MO 65806
417-873-9022
Fax: 417-873-9038
Email: brian_risley@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*
Bar Status: Active

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:3583.F

Disposition

Plaintiff

USA

represented by **Randall D. Eggert**
 U. S. Attorney's Office
 901 St. Louis Street
 Suite 500
 Springfield, MO 65806
 417/831-4406
 Fax: 417/831-0078
 Email: Randy.Eggert@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney
Bar Status: Active

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Page	Docket Text
02/08/2023	<u>1</u>		RULE 5 as to Brian Allen Rogers (1). (Berziel, Karla) (Entered: 02/08/2023)
02/08/2023	2		NOTICE OF HEARING as to Brian Allen Rogers. This is the official notice for this hearing. Initial Appearance – Rule 5 set for 2/9/2023 at 11:00 AM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush. This is a TEXT ONLY ENTRY. No document is attached. (Berziel, Karla) (Entered: 02/08/2023)
02/09/2023	<u>3</u>		Minute Entry for proceedings held before Magistrate Judge David P. Rush: INITIAL APPEARANCE in Rule 5(c)(3) Proceedings as to Brian Allen Rogers held on 2/9/2023. Time in court: 11:00 a.m. to 11:03 a.m. To order a transcript of this hearing please contact Karla Berziel, 417-865-3869. DEFENDANT IN CUSTODY. (Berziel, Karla) (Entered: 02/09/2023)
02/09/2023	<u>4</u>		WAIVER of Rule 5(c)(3) Hearings by Brian Allen Rogers. (Berziel, Karla) (Entered: 02/09/2023)
02/09/2023	<u>5</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Brian Allen Rogers. (Berziel, Karla) (Entered: 02/09/2023)
02/09/2023	<u>6</u>		COMMITMENT TO ANOTHER DISTRICT as to Brian Allen Rogers. Defendant committed to Western District of Tennessee. (Berziel, Karla) (Entered: 02/09/2023)

SMITH

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN ALLEN ROGERS and
KIMBERLY NICHOLE BLACKWELL,

Defendants.

CR. No. 2:22-cr-00273-TLP/atc

18 U.S.C. § 1028(a)(7)

18 U.S.C. § 1029(a)(3)

18 U.S.C. § 1028A

18 U.S.C. § 2312

18 U.S.C. § 2

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1
(Identity Theft)

On or about December 16, 2018, in the Western District of Tennessee and elsewhere, the defendant,

BRIAN ALLEN ROGERS,

did knowingly possess and use without lawful authority, in and affecting interstate commerce, the means of identification of another person, with the intent to commit and in connection with an unlawful activity that constitutes a felony violation of Tenn. Code Ann. 39-14-103. Specifically, **ROGERS** fraudulently used a false Tennessee identification bearing the image of **ROGERS** but the name and birth date of T.K. to finance the purchase of a 2017 Ford Explorer with VIN 1FM5K7F83HGC61644 from Auto Nation Ford Wolfchase, located at 7925 US 64 Highway, Memphis, Tennessee, thereby obtaining

property and monies having an aggregate value of \$1,000 or more within a one-year period.

All in violation of Title 18, United States Code, Section 1028(a)(7).

COUNT 2
(Identity Theft)

On or about December 18, 2018, in the Western District of Tennessee and elsewhere, the defendant,

BRIAN ALLEN ROGERS,

did knowingly possess and use without lawful authority, in and affecting interstate commerce, the means of identification of another person, with the intent to commit and in connection with an unlawful activity that constitutes a felony violation of Tenn. Code Ann. 39-14-103. Specifically, **ROGERS** fraudulently used a false Tennessee identification bearing the image of **ROGERS** but the name and birth date of T.K. to obtain financing for the purchase of a 2018 Dodge Ram 1500 with VIN 1C6RR7MT8JS108566 from Gossett Kia, located at 1900 Covington Pike, Memphis, Tennessee, thereby obtaining property and monies having an aggregate value of \$1,000 or more within a one-year period.

All in violation of Title 18, United States Code, Section 1028(a)(7).

COUNT 3
(Possession of Fifteen or More Unauthorized Access Devices)

Between sometime in or about February 2018 and in or about January 30, 2019, in the Western District of Tennessee and elsewhere, the defendants,

BRIAN ALLEN ROGERS and KIMBERLY NICHOLE BLACKWELL,

aiding and abetting one another, did knowingly and with intent to defraud, possess at least fifteen unauthorized access devices, that is, numerous social security account

numbers assigned to individuals other than defendants **ROGERS** and **BLACKWELL**, such conduct affecting interstate commerce.

All in violation of Title 18, United States Code, Section 1029(a)(3) and 2.

COUNT 4
(Aggravated Identity Theft)

Between sometime in or about February 2018 and in or about January 30, 2019, in the Western District of Tennessee and elsewhere, the defendants,

BRIAN ALLEN ROGERS and KIMBERLY NICHOLE BLACKWELL,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, that is, the names, birth dates, and social security numbers of over 700 other persons, and did aid and abet in the commission of said offense, and **ROGERS** and **BLACKWELL** did so during and in relation to the commission of a felony violation of Title 18, United States Code, Section 1029(a)(3), as alleged in Count Three.

All in violation of Title 18, United States Code, Sections 1028A and 2.

COUNT 5
(Interstate Transportation of Stolen Motor Vehicle)

Between on or about January 2, 2019, and on or about January 11, 2019, in the Western District of Tennessee and elsewhere, the defendant,

BRIAN ALLEN ROGERS,

did unlawfully transport in interstate commerce a stolen motor vehicle, to wit, a 2016 Dodge Challenger "Hellcat" with VIN 2C3CDZC97GH164646 from the State of Mississippi to the State of Tennessee, knowing the same to be stolen.

All in violation of Title 18, United States Code, Section 2312.

COUNT 6
(Interstate Transportation of Stolen Motor Vehicle)

Between on or about January 4, 2019, and on or about January 11, 2019, in the Western District of Tennessee and elsewhere, the defendant,

KIMBERLY NICHOLE BLACKWELL,

did unlawfully transport in interstate commerce a stolen motor vehicle, to wit, a 2017 Chevrolet Camaro with VIN 1G1FD1RS4H0179513 from the State of Mississippi to the State of Tennessee, knowing the same to be stolen.

All in violation of Title 18, United States Code, Section 2312.

A TRUE BILL:

FOR PERSON

DATED: _____

KEVIN G. RITZ
UNITED STATES ATTORNEY

SMITH

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN ALLEN ROGERS and
KIMBERLY NICHOLE BLACKWELL,

Defendants.

CR. No.

2:22-cr-00273-TLP/ztz

18 U.S.C. § 1028(a)(7)

18 U.S.C. § 1029(a)(3)

18 U.S.C. § 1028A

18 U.S.C. § 2312

18 U.S.C. § 2

NOTICE OF PENALTIES

COUNTS 1-2
(Identity Theft)

[NMT 5 years imprisonment, NMT \$250,000 fine, or both, NMT 3 years supervised release, and a special assessment of \$100].

COUNT 3
(Possession of Fifteen or More Access Devices)

[NMT 10 years imprisonment, NMT \$250,000 fine, or both, NMT 3 years supervised release, and a special assessment of \$100].

COUNT 4
(Aggravated Identity Theft)

[Mandatory 2 years imprisonment consecutive to any other term of imprisonment, NMT \$250,000 fine, or both, NMT 3 years supervised release, and a special assessment of \$100].

COUNTS 5-6
(Interstate Transportation of Stolen Motor Vehicle)

[NMT 10 years imprisonment, NMT fine \$250,000, or both, NMT 3 years supervised release, and a special assessment of \$100].

MIME-Version:1.0
From:ecfMOW.notification@mow.uscourts.gov
To:cmecf_atynotifications@mow.uscourts.gov
Bcc:
--Case Participants: Randall D. Eggert (caseview.ecf@usdoj.gov,
jacki.dean-swineburg@usdoj.gov, randy.eggert@usdoj.gov, shawnette.cameron@usdoj.gov)
--Non Case Participants: MarshalsAllDist (usmsmow.ecfnotice@usdoj.gov), Pretrial -
Jefferson City (mow_pts_jc_cmecf@mow.uscourts.gov), Pretrial - Kansas City
(mow_pts_kc_cmecf@mow.uscourts.gov), ProbationAll (mow_dqa@mow.uscourts.gov)
--No Notice Sent:

Message-Id:8075105@mow.uscourts.gov
Subject:Activity in Case 6:23-mj-02011-DPR USA v. Rogers Notice of Hearing
Content-Type: text/html

U.S. District Court

Western District of Missouri

Notice of Electronic Filing

The following transaction was entered on 2/8/2023 at 10:53 AM CST and filed on 2/8/2023

Case Name: USA v. Rogers
Case Number: 6:23-mj-02011-DPR
Filer:
Document Number: 2(No document attached)

Docket Text:

NOTICE OF HEARING as to Brian Allen Rogers. This is the official notice for this hearing. Initial Appearance – Rule 5 set for 2/9/2023 at 11:00 AM in MJ Courtroom, Springfield (DPR) before Magistrate Judge David P. Rush. This is a TEXT ONLY ENTRY. No document is attached. (Berziel, Karla)

6:23-mj-02011-DPR-1 Notice has been electronically mailed to:

Randall D. Eggert Randy.Eggert@usdoj.gov, CaseView.ECF@usdoj.gov, Shawnette.Cameron@usdoj.gov, jacki.dean-swineburg@usdoj.gov

6:23-mj-02011-DPR-1 It is the filer's responsibility for noticing the following parties by other means:

***UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION***

MINUTE SHEET

UNITED STATES OF AMERICA

Date: February 9, 2023

vs.

Case No.: 23-mj-2011DPR

BRIAN ALLEN ROGERS

Honorable David P. Rush, presiding at Springfield, Missouri

Nature of Hearing: Rule 5(c)(3) Out – Initial Appearance

Time Commenced: 11:00 a.m.

Time Terminated: 11:03 a.m.

APPEARANCES

Plaintiff: Jessica Eatmon, AUSA

Defendant: Brian Risley, FPD

USPPTS: Alina Davis

Proceedings: Parties appear as indicated above. Defendant appears in person.

FPD's appointed for this district only. Government moves for detention. Defendant advised of rights and questioned as to completion of the waiver of Rule 40 hearings. Defendant waives the right to an identity hearing and a detention hearing in this district. Defendant reserves the right to a preliminary and detention hearing in the charging district. Defendant ordered removed to the District of Tennessee.

Defendant in custody.

Courtroom Deputy/ERO: Karla Berziel

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America)

v.)

BRIAN ALLEN ROGERS)

Defendant)

Case No. 23-mj-2011DPR

Charging District's Case No. 22-CR-20273TLP

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**

I understand that I have been charged in another district, the (name of other court) _____
 District of Tennessee (Western Division) _____.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ a preliminary hearing.
- ☒ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
☒ preliminary hearing and/or ☒ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 02/09/2023


 Defendant's signature


 Signature of defendant's attorney

Brian D Risley
 Printed name of defendant's attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	
)	Criminal Action
BRIAN ALLEN ROGERS,)	No. 23-mj-2011DPR
)	
Defendant.)	

ORDER APPOINTING COUNSEL

The above-named defendant having appeared before the United States Magistrate Judge on the 9th day of February, 2023, the United States Magistrate Judge finds that defendant not having waived counsel, it is

ORDERED that the Federal Public Defenders' Office for the Western District of Missouri be, and it is hereby, appointed to represent the defendant before the United States Magistrate Judge in this district.

/s/ David P. Rush
DAVID P. RUSH
United States Magistrate Judge

Date: February 9, 2023

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America

v.

BRIAN ALLEN ROGERS

*Defendant*Case No. 23-mj-2011DPRCharging District's
22cr-Case No. 20273TLP

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Tennessee,
Western Division

(if applicable) _____ division. The defendant may need an interpreter for this language:

The defendant: ☐ will retain an attorney.

☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 2/9/2023

/s/ David P. Rush

Judge's signature

David P. Rush United States Magistrate

Printed name and title